

**MINUTES
CITY PLANNING COMMISSION
MARCH 9, 2004**

1. CALL TO ORDER- VanHouten called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members Present: Bragg, Carlon, Cleaveland, Gronstal, Hensley, Johns, Milford, Schoeppner, VanHouten, and White

Absent: Hartman

Staff: Malmquist and Schroder

3. ADOPTION OF AGENDA

Motion by Milford, second by Carlon to adopt the agenda as printed. Motion carried by unanimous voice vote.

4. APPROVAL-MINUTES OF THE JANUARY 13, 2004 MEETING

Motion by Hartman, second by Schoeppner to approve the minutes as written. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION- Schroder

6. REVIEW OF MEETING PROCEDURES- VanHouten

7. PUBLIC HEARINGS

A. CASE #PC-04-001: Public hearing on the request of Lake Manawa Centre Limited Partnership to amend the approved development plan by adopting a development plan for Lot 1, Lake Manawa Centre subdivision, Phase II, Replat I. Location: Southeast corner of Dial Drive and 30th Avenue.

Joy Lohmann, Commercial Federal Bank, 450 Regency Parkway, Suite 3E, Omaha, NE 68114, stated that Commercial Federal Bank has \$13 million in assets and currently operates in seven states. The proposed location at the Lake Manawa Centre will be its first location in Council Bluffs. Originally, the bank was going to put an ATM at the location, but then discovered that there was a pad site for lease. She asked if she could answer any questions.

Carlon asked if they would be moving their home mortgage services to the bank. Lohmann said they likely would. There would be four offices at the branch location. Cleaveland asked how many employees would be at the location. Lohmann said seven. She added that the bank would be open for six days including a part day on Saturday.

Cleaveland asked if she would explain the internet café. Lohmann said that it would be a place where customers could do on-line banking as well as check email or do other things requiring access to the World Wide Web.

Carlon stated that there are congestion problems at the shopping center now. He asked how the location of the bank would effect existing traffic. Lohmann stated that the drive-through lanes allowed for stacking of three cars in each. She said that they expect eighty cars per day, with heaviest times being late afternoon on Fridays. She said that the automated drive-through lanes would allow for an average service time of one minute which should prevent significant stacking. Carlon asked if left turns would be allowed.

Bob Long, The Schemmer Associates, 1920 Rue Street, Suite 1, Council Bluffs, IA 51503, said that a traffic study was completed for the entire development at build-out. He said that customers could make a left turn going out, but that it would be unlikely for those using the drive-through. He suggested that customers would likely exit by turning right and using Dial Drive.

Milford noted the staff comment regarding lack of drainage information. Long said that an overall drainage study was completed at the time of subdivision. He stated that an inlet may be necessary on the north side and that it would be addressed during the construction drawing phase.

PLANNING COMMISSION ACTION

Motion by Cleaveland, second by Bragg to recommend approval of the Lake Manawa Centre Planned Commercial development plan as approved by Resolution No. 92-104 and amended by Resolution No. 92-117, Resolution No. 94-51, Resolution No. 95-216, Resolution No. 00-190, Resolution No. 01-12, Resolution No. 01-181, Resolution No. 02-348 and Resolution No. 03-170, subject to the following:

1. Approval of the site plan for Lot 1, Lake Manawa Centre Subdivision, Phase II, Replat I, as shown on Attachment 'B', including parking.
2. Storm water drainage shall be reviewed and approved by the Public Works Department prior to issuance of any building permit on Lot 1.
3. Approval of the landscaping plan as shown in Attachment 'D' with the following conditions:
 - A. Low growing shrubbery shall be planted along the Dial Drive street frontage.
 - B. Additional planting shall be reviewed for type, size, quantity and placement, and approved administratively by the Community Development Department.
 - C. No Certificate of Occupancy shall be granted until the landscaping is installed in accordance with the approved plan.
4. Approval of the signage plan as shown in Attachment 'C'. Signage shall comply with all applicable city, state and federal regulations. The applicant or an approved agent shall obtain all necessary permits. Location of the detached sign shall be reviewed and approved by the Public Works and Community Development Departments during the sign permit application process. On-premise directional signs may be approved administratively if consistent with the approved signage plan for Lake Manawa Centre.

VOTE: AYE- Bragg, Carlon, Cleaveland, Hensley, Gronstal, Johns, Milford, Schoeppner, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman. Motion carried.

B. CASE #ZC-04-002: Public hearing on the request of Oak Park Development, LLC to rezone 1.94 acres in the southwesterly 435 feet of Lot 1, Auditor's Subdivision of the SW¹/₄ SW¹/₄ of Section 24-75-44 lying east of North 8th Street and northwest of Parkwild Drive from C-2 Commercial to R-3/Low Density Multi-family Residential. Location: East of North 8th Street at Parkwild Drive.

Stephen McIntosh, 2 Oak Park Lane, Council Bluffs, IA 51503, stated that he was requesting rezoning on a two acre triangular property to allow the construction of thirty condominium units. There would be a detached two-story covered parking structure as well as surface parking for guests. The layout of the units would make use of the available view of downtown Omaha. The residential buildings would be three levels, with the top level accessible from the parking structure.

Cleaveland asked the applicant if the parking structure would be two stories in height or two levels. McIntosh stated that there would be two levels of parking under one roof. He said they hoped to use the natural grade of Parkwild Drive to allow for two separate curb cuts allowing for an at grade entrance to each level. He said there would be radiant floor heat. He said the structure would be approximately 60 feet by 100 feet. He said the residential units would be approximately 1200-2000 square feet constructed of insulated concrete to reduce noise. He expects to market the units to empty-nesters.

Bragg asked what the expected price of each unit would be. McIntosh said it would be approximately \$100 per square foot. Milford asked if the lower level would look over the rail yard. McIntosh said that there is about a 25-30 foot difference in elevation.

Carlon asked if the condominiums would be for sale or rent. McIntosh said that all units would be included in a condominium association, but that some units may be purchased by investors and rented.

PLANNING COMMISSION ACTION

Motion by Cleaveland, second by Milford to recommend rezoning 1.94 acres in the southwesterly 435 feet of Lot 1, Auditor's Subdivision of the SW¼ SW¼ of Section 24-75-44 lying east of North 8th Street and northwest of Parkwild Drive from C-2 Commercial to R-3/Low Density Multi-family Residential.

VOTE: AYE- Bragg, Carlon, Cleaveland, Hensley, Gronstal, Johns, Milford, Schoeppner, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman. Motion carried.

C. CASE #ZT-04-001: Public hearing on the request of the City of Council Bluffs to amend Title 15 of the Municipal Code (Zoning Ordinance) by repealing Chapter 15.30 'Airport Hazard Zoning' and adopting a new Chapter 15.30 'Airport Hazard Zone' and incorporating the Airport Zoning Maps for the Council Bluffs Airport and Eppley Airfield.

Gayle Malmquist, representing the City of Council Bluffs, stated that an expansion was underway at the Council Bluffs airport and that the ordinance needed to be updated to reflect those changes. She added that City Attorney Wade is on the airport authority board and that the conversation to amend the zoning ordinance has been on-going for several years. At the time it was thought that everyone within 500 feet of the hazard zone would have to be notified, involving multiple notifications located within the city and county's jurisdiction. It is the opinion of the City Legal Department that the hazard zone can be adopted in much the same way as the National Flood Insurance Rate Maps. Both enable a federal regulation, therefore individual property owner notifications are not necessary. The City and County have been working cooperatively to adopt the same ordinance simultaneously. Eppley Airfield also reviewed the document and included information relative to their airspace. Offutt Air Force Base did not respond to requests for comment.

Carlon asked if any property located within the city would be in an air hazard zone for Offutt. He suggested that the southerly part of the city likely was. Malmquist stated that although they did not respond to the request for comments that certain things do require review by the Federal Aviation Authority. Following review the FAA then issues a determination of 'no-hazard' if appropriate. She said that for example cellular communication towers are reviewed in this way, as would the towers at the power plant.

PLANNING COMMISSION ACTION

Motion by Milford, second by Carlon to recommend:

1. Repeal of Chapter 15.30 'Airport Hazard Zoning' in its entirety.
2. Adopt of new Chapter 15.30 'Airport Hazard Zone' incorporating Airport Zoning Maps for the Council Bluffs Airport and Eppley Airfield.

VOTE: AYE- Bragg, Carlon, Cleaveland, Hensley, Gronstal, Johns, Milford, Schoeppner, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman. Motion carried.

D. CASE #MIS-04-001: Public hearing on the request of the Community Development Department concurrent with action by Pottawattamie County to amend the future land use map in the Two-Mile Limit Land Use Study from high/medium density residential use to commercial use for Maguire Subdivision. Location: One mile east of Council Bluffs along Highway 92.

Gayle Malmquist, representing the City of Council Bluffs, stated that the city has a 28E agreement with Pottawattamie County which identifies jurisdiction over land use issues located within two miles of the corporate limits. The City has no zoning jurisdiction outside the corporate limits. The owner of the subject property submitted a request to the County for rezoning as he wished to market the land for commercial use. The adjacent property is currently zoned commercially and in commercial use. The *Two-Mile Limit Land Use Study* and associated agreement identifies the area as medium and high density residential use. The County is taking action concurrently to amend the future land use plan.

PLANNING COMMISSION ACTION

Motion by Gronstal, second by Schoeppner to recommend amending the future land use map in the *Two-Mile Limit Land Use Study* for Maguire Subdivision from high/medium density residential use to commercial use.

VOTE: AYE- Bragg, Carlon, Cleaveland, Hensley, Gronstal, Johns, Milford, Schoeppner, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman. Motion carried.

8. OTHER BUSINESS

A. Appointment of Nomination Committee – Chair

VanHouten appointed Carlon, Hensley and Hartman to the Nomination Committee.

B. City Council update

Malmquist stated that because there was no Planning Commission meeting last month all cases had been heard by the City Council. She added that there was a budget hearing in the Council Chambers right now.

C. Other items of interest. Malmquist stated Oriental Trading Company announced they would locate in LaVista, NE.

Milford asked if the matter with the I-80 group had been resolved. Malmquist stated that she was not sure if the matter was still in arbitration or not. She stated that Don Gross has had conversations with them, but she is not aware of any resolution.

Malmquist stated that the Mayor suggested that the Planning Commission meet in the Public Library. She stated that several issues need to be resolved. Currently the library can only be reserved six months in advance and the building closes at 9:00PM. Normally the closing time would not be a problem, but it could be from time to time. She asked if the meeting could be moved to 6:00 or 6:30 PM. Hensley and Cleaveland stated they had conflicts.

Malmquist stated that the pedestrian bridge bids received were well above the capped bid amount. A meeting of the stake holder's would be held tomorrow (Wednesday, March 10, 2004).

Malmquist stated that she had received a call about a possible poultry operation at Valley View Lane. She said the property was zoned A-2 and that there would likely not be any zoning conflict with such a use. The Health Department was considering the use at this time.

9. ADJOURNMENT- VanHouten adjourned the meeting at 8:00 p.m.